

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: | Martin C. Hinz |
| Application No.: | 10/715912 |
| Filed: | November 18, 2003 |
| For: | Comprehensive Pharmacologic Therapy for Treatment of Obesity |
| Group Art Unit: | 1616 |

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: H76.2N-8151-US06

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed foreign patent and each listed publication other than U.S. patents and U.S. patent application publications is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. patents and U.S. published applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of unpublished U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicant wishes to direct the Examiner's attention to pages 20-25; 35-39; 41-44; 49-55; 72-73; 136; 179; 201-204; 217-225; 254-256; 284-287; 321-322; 375-378; 380-381; 389-400; and 426-434 of cited reference CD as attached hereto. The specifically identified pages of attached reference CD are not exhaustive of information which the Examiner may consider to be material within reference CD. Applicant wishes to direct the Examiner's attention to pages 64-65; 146-150; 181-188; 196; 221; 262-269; 331-335; 420-423; 431; 526-530; 606-609; 629; 678-681; and 761 of cited reference CE as attached hereto. The specifically identified pages of

attached reference CE are not exhaustive of information which the Examiner may consider to be material from reference CE.

Applicant wishes to direct the Examiner's attention to pages 9-20; 36-38; 50-54; and 59-68 of cited reference CF as attached hereto. The specifically identified pages of attached reference CF are not exhaustive of information which the Examiner may consider to be material from reference CF.

Applicant wishes to direct the Examiner's attention to pages 17-21; 190-195; and 207-211 of cited reference CG as attached hereto. The specifically identified pages of attached reference CG are not exhaustive of information which the Examiner may consider to be material from reference CG.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is prior art, or is or is considered to be, material to patentability as defined in §1.56.

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

_____ I. This statement qualifies as a no-fee Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- _____ (1) within 3 months of the filing date of the application (other than a CPA); or
- _____ (2) within 3 months of entry of the national stage; or
- _____ (3) before the mailing of a first Office Action on the merits;
- _____ (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- _____ (5) as part of a continued prosecution application (CPA); or
- _____ (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

☒ II. This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- _____ (1) a certification as specified in §1.97(e) is provided below; or
- ☒ (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

_____ III. 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- _____ (1) a certification as specified in §1.97(e) is completed below; and

_____(2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

 X **IV. Fee Authorization.** If any fee is due for consideration of this Supplemental Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

If paragraph II.1 or III is checked, also check one of the paragraphs below

_____ I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Supplemental Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this Supplemental Information Disclosure Statement.

_____ This communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Supplemental Information Disclosure Statement.

_____ I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the Supplemental Information Disclosure Statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Supplemental Information Disclosure Statement.


For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.

If this Supplemental Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Supplemental Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

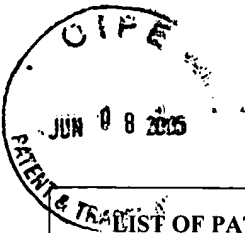
VIDAS, ARRETT & STEINKRAUS

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| LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) | | | | ATTY DOCKET NO.: H76.2N-8151-US06 | | APPLICATION NO.: 10/715912 | |
| | | | | APPLICANT: Martin C. Hinz | | | |
| | | | | FILING DATE: November 18, 2003 | | GROUP: 1616 | |
| REFERENCE DESIGNATION | | | | U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS | | | |
| EXAM'S INIT. | | DOCUMENT NUMBER | DATE | NAME | CLASS/SUBCLASS | FILING DATE IF APPROPRIATE | |
| | AA | | | | | | |
| | AB | | | | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | | |
| | | DOCUMENT NUMBER | DATE | COUNTRY | | | |
| | BA | | | | | | |
| | BB | | | | | | |
| OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | | |
| | CA | | Dr. Martin Hinz's and NeuroResearch Clinic, Inc.'s Joint Answer to Defendants' Amended Counterclaim. | | | | |
| | CB | | Answer of Defendants' to Hinz's Second Amended Complaint and Amended Counterclaim. | | | | |
| | CC | | Hinz's Second Amended Complaint. | | | | |
| | CD | | Deposition Transcripts of Dr. Martin C. Hinz (Vol. I of Nov. 17, 2004; and Vol. II of Feb. 24, 2005). | | | | |
| | CE | | Deposition Transcripts of Gottfried Kellermann, which is also on behalf of Neuroscience (Vol. I of Nov. 23, 2004; and Vol. II of Nov. 24, 2004). | | | | |
| | CF | | Deposition Transcript of Dr. William Wilson – Nov. 12, 2004. | | | | |
| | CG | | Deposition Transcript of Dave Peterson – Feb. 28, 2005. | | | | |
| | CH | | Affidavit of Dave Peterson with Attached Exhibits. | | | | |
| | CI | | Dr. Hinz's Responses to Defendants' First Set of Interrogatories (Nos. 23-27). | | | | |
| | CJ | | Defendants' Amended Responses to Dr. Hinz's Third Set of Interrogatories (No. 26). | | | | |
| EXAMINER | | | | DATE CONSIDERED | | | |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | | | | | | |